

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NEW MEXICO STATE INVESTMENT
COUNCIL,

Plaintiff,

v.

Case No.: 1:21-cv-00606-KG-JFR

BANK OF AMERICA CORPORATION; BANK
OF AMERICA, N.A.; BOFA SECURITIES, INC.;
BARCLAYS PLC; BARCLAYS BANK PLC;
BARCLAYS CAPITAL INC.; BNP PARIBAS
S.A.; BNP PARIBAS SECURITIES CORP.;
CITIGROUP, INC.; CITIBANK N.A.;
CITIGROUP GLOBAL MARKETS INC.;
CITIGROUP GLOBAL MARKETS LIMITED;
CREDIT SUISSE GROUP AG; CREDIT SUISSE
AG; CREDIT SUISSE SECURITIES (USA) LLC;
CREDIT SUISSE CAPITAL LLC; CREDIT
SUISSE INTERNATIONAL; DEUTSCHE BANK
AG; DEUTSCHE BANK SECURITIES INC.;
GOLDMAN SACHS GROUP, INC.; GOLDMAN
SACHS & CO. LLC; GOLDMAN SACHS
INTERNATIONAL; J.P. MORGAN CHASE &
CO.; J.P. MORGAN CHASE BANK, N.A.; J.P.
MORGAN SECURITIES LLC; MORGAN
STANLEY; MORGAN STANLEY & CO. LLC;
MORGAN STANLEY & CO. INTERNATIONAL
PLC; MORGAN STANLEY CAPITAL
SERVICES LLC; NATWEST GROUP PLC;
NATWEST MARKETS PLC; NATWEST
MARKETS SECURITIES, INC.; THE
INTERNATIONAL SWAPS AND
DERIVATIVES ASSOCIATION, INC.;
CREDITEX GROUP INC; IHS MARKIT LTD.;
and JANE DOES 1-100,

Defendants.

**STIPULATION AND ORDER REGARDING SERVICE AND
TIME TO RESPOND TO THE COMPLAINT**

Plaintiff New Mexico State Investment Council and defendants Bank of America Corporation, Bank of America, N.A., BofA Securities, Inc., Barclays PLC, Barclays Bank PLC, Barclays Capital Inc., BNP Paribas S.A., BNP Paribas Securities Corp., Citigroup Inc., Citibank, N.A., Citigroup Global Markets Inc., Citigroup Global Markets Limited, Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, Credit Suisse Capital LLC, Credit Suisse International, Deutsche Bank AG, Deutsche Bank Securities Inc., The Goldman Sachs Group, Inc.¹, Goldman Sachs & Co. LLC, Goldman Sachs International, JPMorgan Chase & Co., J.P. Morgan Chase Bank, N.A., J.P. Morgan Securities LLC, Morgan Stanley, Morgan Stanley & Co. LLC, Morgan Stanley & Co. International plc, Morgan Stanley Capital Services LLC, NatWest Group Plc, NatWest Markets Plc, NatWest Markets Securities Inc., International Swaps and Derivatives Association, Inc., Creditex Group Inc., and IHS Markit Ltd. (together, “Defendants”) by and through their respective undersigned counsel, subject to this Court’s approval and to the reservation of rights contained below, agree and stipulate as follows:

WHEREAS, on June 30, 2021, Plaintiff New Mexico State Investment Council commenced the above-captioned action (the “Action”) by filing a complaint (the “Complaint”);

WHEREAS, on or after July 9, 2021, the Court issued a Summons directed to Defendants named in the Complaint (the “Summons”), and Plaintiff has subsequently commenced efforts to effect service of process upon Defendants;

¹ Plaintiff incorrectly named “Goldman Sachs Group, Inc.” in its Complaint, Defendants have listed the correct name of the entity, which is The Goldman Sachs Group, Inc.

WHEREAS, Defendants have agreed to accept service of the Summons and Complaint subject to the terms and conditions of the stipulation, as set forth below; and

WHEREAS, Plaintiff and Defendants have agreed to the below schedule for Defendants to respond to the Complaint.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. The undersigned counsel agree to accept service of the Summons and Complaint in the above-captioned lawsuit on behalf of Defendants, expressly reserving the right to contest whether any party in the Complaint is properly named and without waiver of any defenses (including those related to lack of personal or subject matter jurisdiction, lack of standing, and improper venue) except as to the sufficiency of process and the service of process.

2. Defendants' time to answer, move against, or otherwise respond to the Complaint is suspended pending: (1) an entry of an Order by the Court to appoint interim lead counsel pursuant to Federal Rule of Civil Procedure 23(g) and/or (2) the filing of a Consolidated Amended Complaint, if any.

3. The parties agree Defendants will have up to sixty (60) days from the date on which the Court enters an Order on Plaintiff's Motion for Interim Lead Counsel or Plaintiff's Consolidated Amended Complaint is filed, whichever occurs later, to answer, move against, or otherwise respond to the Complaint.

4. Plaintiff will have up to sixty (60) days from the date on which Defendants move against the Complaint to serve and file any opposition memorandum.

5. Defendants will have up to thirty (30) days from the date on which any opposition memorandum is filed to serve and file their reply memorandum and submit a notice of completion of briefing.

6. Discovery is stayed pending resolution of any and all Defendants' forthcoming dismissal motion(s); except that, (1) if any Defendant moves to dismiss the Complaint on the ground that this Court lacks personal jurisdiction as to it pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Plaintiff may seek leave of Court to conduct jurisdictional discovery with respect to that Defendant and additional time to file its opposition(s) to the Rule 12(b)(2) motion(s) to dismiss in order to conduct such discovery, or (2) if any Defendant relies on material outside the Complaint that is not publicly available in filing a motion to dismiss under grounds other than Rule 12(b)(2) of the Federal Rules of Civil Procedure or any other motion, Plaintiff may seek leave to conduct merits discovery with respect to that material and additional time to file its opposition(s) to any such motions in order to conduct such discovery. Defendants reserve the right to oppose any motion by Plaintiff seeking leave of Court to conduct jurisdictional discovery or merits discovery under these circumstances.

7. If Plaintiff elects to amend the Complaint in response to the filing of any motion(s) to dismiss, Plaintiff shall notify Defendants no later than thirty (30) days before the date on which Plaintiff's opposition memorandum is due and at that point, the parties shall meet and confer in good faith regarding a new schedule in this action.

8. If Defendants move to transfer the Action pursuant to 28 U.S.C § 1404, or any other such provision, Defendants will have up to sixty (60) days from the date on which the

Court enters an Order on Plaintiff's Motion for Interim Lead Counsel or Plaintiff's Consolidated Amended Complaint is filed, whichever occurs later, to file such motion.

9. Plaintiff will have up to sixty (60) days from the date on which Defendants move to transfer the Action to serve and file any opposition memorandum.

10. Defendants will have up to thirty (30) days from the date on which any opposition memorandum is filed to serve and file their reply memorandum and submit a notice of completion of briefing, if any.

11. This stipulation may be executed in separate counterparts, and counterparts may be executed in facsimile or .pdf form, each of which shall be deemed an original. This stipulation, once fully executed, may be submitted to the Court without further notice to any party.

12. This stipulation supersedes and takes the place of any previous order entered by the Court extending the deadlines for any Defendant to answer or otherwise respond to Plaintiffs' complaint, and the parties agree not to submit any additional motions seeking such relief other than a motion to amend or modify this stipulation.

SO ORDERED,


UNITED STATES DISTRICT JUDGE

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